

ASSEMBLY BILL

No. 19

Introduced by Assembly Member Fong

December 6, 2010

An act to add Section 17922.14 to the Health and Safety Code, and to add Chapter 8.5 (commencing with Section 537) to Division 1 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 19, as introduced, Fong. Building standards: water meters: multiunit structures.

(1) The Water Measurement Law requires every water purveyor to require, as a condition of new water service on and after January 1, 1992, the installation of a water meter to measure water service. That law also requires urban water suppliers to install water meters on specified service connections, and to charge water users based on the actual volume of deliveries as measured by those water meters in accordance with a certain timetable.

This bill would require a water purveyor that provides water service to a multiunit residential structure or mixed-use residential and commercial structure that is subject to specified building standards, to either adopt a general policy to require the installation of either a water meter, as defined, or a submeter, as defined, to measure water supplied to each individual dwelling unit, or to inform, on an individual basis, an applicant for new water service as to whether a water meter or submeter is required to be installed for each individual dwelling unit. The bill would require the owner of the structure to ensure that a water submeter installed for these purposes complies with laws and regulations

governing installation, approval of meter type, maintenance, reading, billing, and testing of water submeters.

(2) The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval and adoption.

This bill would require the Department of Housing and Community Development to develop and submit to the commission building standards that require the installation of water meters or submeters in individual dwelling units within a newly constructed multiunit residential structure or mixed-use residential and commercial structure, as specified. The bill would prohibit the department from developing building standards that require installation of submeters in a multiunit residential structure or mixed-use residential and commercial structure that is part of a common interest development.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17922.14 is added to the Health and
2 Safety Code, to read:

3 17922.14. (a) (1) During the next regularly scheduled building
4 standards code adoption cycle commencing on or after January 1,
5 2012, the department shall develop and submit, pursuant to Chapter
6 4 (commencing with Section 18935) of Part 2.5, building standards
7 that require installation of water meters or submeters in individual
8 dwelling units within a newly constructed multiunit residential
9 structure or a newly constructed mixed-use residential and
10 commercial structure.

11 (2) At a minimum, the department shall provide exemptions for
12 structures in each of the following categories:

13 (A) Low-income housing. For purposes of this subparagraph,
14 “low-income housing” means a residential building financed with
15 low-income housing tax credits, tax-exempt mortgage revenue
16 bonds, general obligation bonds, or local, state, or federal loans
17 or grants, for which the rents of the occupants in lower income
18 households, as defined in Section 50079.5, do not exceed rents
19 prescribed by deed restrictions or regulatory agreements pursuant

1 to the terms of the financing or financial assistance, and for which
2 not less than 25 percent of the dwelling units within the building
3 are designated for occupancy by lower income households, as
4 defined in Section 50079.5.

5 (B) Student dormitories.

6 (C) Long-term health care facilities, as defined in Section 1418.

7 (D) Time-share property, as defined in subdivision (aa) of
8 Section 11212 of the Business and Professions Code.

9 (3) The department shall not develop building standards that
10 require installation of submeters in a multiunit residential structure
11 or mixed-use residential and commercial structure that is part of
12 a common interest development.

13 (b) The building standards developed pursuant to this section
14 shall require a meter or submeter used to measure water supplied
15 to an individual residential unit to be of a type approved pursuant
16 to Section 12500.5 of the Business and Professions Code, and to
17 be installed and operated in compliance with regulations established
18 pursuant to Section 12107 of the Business and Professions Code.

19 (c) The following definitions govern the construction of this
20 section:

21 (1) “Master meter” means a meter that measures water usage
22 for an entire property or structure, which may include common
23 areas, and is read by the water purveyor.

24 (2) “Meter” has the same meaning as “water meter” in Section
25 516 of the Water Code.

26 (3) “Submeter” means a device that measures water consumption
27 of an individual unit within a master-metered structure, and is read
28 by the owner of the structure or the owner’s agent.

29 SEC. 2. Chapter 8.5 (commencing with Section 537) is added
30 to Division 1 of the Water Code, to read:

31
32 CHAPTER 8.5. MULTIUNIT STRUCTURES
33

34 537. The following definitions govern the construction of this
35 chapter:

36 (a) “Master meter” means a meter that measures water usage
37 for an entire property or structure, which may include common
38 areas, and is read by the water purveyor.

39 (b) “Meter” has the same meaning as “water meter” in Section
40 516 of the Water Code.

1 (c) “Submeter” means a device that measures water consumption
2 of an individual unit within a master-metered structure, and is read
3 by the owner of the structure or the owner’s agent.

4 538. (a) With respect to an application for a water connection
5 or connections for a structure that is subject to building standards
6 adopted pursuant to Section 17922.14 of the Health and Safety
7 Code, a water purveyor shall do either of the following:

8 (1) Adopt a general policy to determine when the installation
9 of either a water meter or submeter to measure water supplied to
10 each individual dwelling unit shall be required. The water purveyor
11 shall inform all local building departments within its service area
12 of the policy.

13 (2) On an individual basis, and upon receipt of an application
14 for new water service to the structure, inform the applicant, and
15 the appropriate local building department, as to whether a water
16 meter or submeter is required to be installed to measure water
17 supplied to each individual dwelling unit in the structure.

18 (b) (1) If the water purveyor requires installation of submeters
19 pursuant to subdivision (a), the owner of the structure shall ensure
20 that each submeter installed complies with all laws and regulations
21 governing installation, approval of meter type, maintenance,
22 reading, billing, and testing of water submeters.

23 (2) This subdivision does not require a water purveyor to fund
24 or assume responsibility for ensuring compliance with any law or
25 regulation governing installation, approval of submeter type,
26 maintenance, reading, billing, and testing of water submeters and
27 associated onsite plumbing.

28 (c) A water purveyor shall not charge an owner of a structure
29 that is subject to building standards adopted pursuant to Section
30 17922.14 of the Health and Safety Code, or his or her agent, a fee,
31 charge, or assessment, either directly or indirectly, for the
32 installation, approval, connection, or use of a submeter that is
33 installed by the owner or his or her agent. This subdivision shall
34 not be construed to restrict the authority of a water purveyor to
35 collect fees or charges for meters or connection and installation
36 of meters, or other fees or charges associated with providing and
37 maintaining water service, as described in the water purveyor’s
38 authorized tariffs or rates.

39 (d) This section shall not restrict the authority of a water
40 purveyor to adopt and implement a program for the use of water

1 meters or submeters for multiunit residential structures or
2 mixed-use residential and commercial structures that promotes
3 water conservation, at least as stringently, as the requirements of
4 this section and the building standards adopted pursuant to Section
5 17922.14 of the Health and Safety Code.

6 539. It is the intent of the Legislature that this chapter should
7 not be construed to impose costs on any local government agency,
8 except to the extent that the local government agency is a water
9 purveyor subject to subdivision (a) of Section 538.

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